

### **REMARKS**

Claims 1-12 were all the claims pending in the application as of the Office Action sent June 14, 2002. Claims 1 and 7 are independent claims.

Applicant adds the recitations of claim 2 to claim 1, adds the recitations of claim 10 to claim 7, and adds the recitation that "the personal information includes parameters of play of the game" to both claims 1 and 7. Applicant also cancels claims 2 and 10. As such, claims 1, 3-9, and 11-12 are all of the pending claims.

### **Claim Scope**

The Examiner notes that the term "Internet" may be unclear and suggests that we instead use a more generic terminology, such as a computer network. As such, Applicant has amended claim 9 to instead recite the more generic "wide area computer network".

### **Claim Rejections 35 U.S.C. §§ 102/103**

#### **Cumbers**

Claims 1-4, 6-8, 10, and 12 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by *previously cited* Cumbers (U.S. 6,142,876). Claim 9 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Cumbers.

As was argued in the Amendment filed April 4, 2002, Applicant again respectfully submits that this rejection is improper. The Cumbers system is designed for passive player identification and does not "set up" the game environment.

With respect to amended independent claims 1 and 7, Cumbers teaches a player tracking and identification system for gaming devices in which a player's account file 30a includes a

number of points accrued from playing a game (col. 5, line 25-43). The account file 30a in Cumbers merely stores player identification information and information from the play of the game. The game environment is not set up based on this information, as is claimed. The account file 30a merely receives parameters of play, such as amount wagered, from the gaming device 34 once the game has begun, and there is no disclosure that the host processor 29 transmits any signal to the gaming device 34 before a player makes a wager.

Therefore, Applicant requests that the Examiner withdraw the rejection of claims 1 and 7 for the reasons discussed above.

#### Sparks

Claims 1, 3-9, 11, and 12 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by *newly cited* Sparks, II (US 6,352,479). Applicant has amended claims 1 and 7 to include the recitations of claims 2 and 10, respectively, and the recitation that “the personal information includes parameters of play of the game”. As such, the rejection of these claims in view Sparks is now moot.

#### Sparks in view of Schneier

Claims 2 and 10 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sparks, II in view of *newly cited* Schneier et al. (U.S. 6,099,408). Amended claims 1 and 7 now include the recitations of claims 2 and 10, respectively, and the recitation that “the personal information includes parameters of play of the game”. Applicant respectfully requests that the Examiner withdraw this rejection because there is no motivation or suggestion to combine the teachings of Sparks and Schneier.

The Examiner admits that Sparks does not teach a system in which the player identifier identifies the player using image recognition techniques. The Examiner asserts that, however, it would be obvious to use the biometric device of Schneier to “offer an upgrade to verify whether the authorized player is playing the correct game”. In fact, there is no motivation to combine the multiplayer game system implemented over the web of Sparks so that the entered user name and password (Sparks: col. 5, line 6) is replaced with a biometric device such as those taught by Schneier.

Sparks discloses a multiplayer game system implemented over the web in which a game server is coupled to a number of users’ computer systems. To access this system, each user’s computer system 18 needs only to have the stored game software and a web browser (col. 3, lines 1-13). No other software or hardware is needed. The system is designed so that players can find partners of similar ability for video games, such as “Quake” or “Doom” (Fig. 9 & col. 3, lines 30-50).

On the other hand, Schneier is a system designed to ensure the randomness of electronic wagering games. In one embodiment, a fingerprint reader or retinal scanner is used to provide verification that the correct user is playing the game (col. 16, lines 7-13). In this situation, the correct identity of a user is critical since these games are played for more than fun, but also for money.

A system designed so that someone can merely play video games against a player of equal or better skill level, such as is taught by Sparks, would not need such sophisticated

hardware since if one player did use another's identity there result would merely be unevenly matched players and not a loss of money.


In addition, one significant feature of Sparks is that it is easily accessible to the average computer user since it requires only game software and a web browser. There is no motivation to modify this easily accessible system so that the average user would need a biometric device just to play a video game with an opponent with an equal or better skill level.

As such, Applicant submits that amended claims 1 and 7 are allowable over all of the cited art. Applicant also submits that claims 3-9, 11, and 12 are allowable at least because of their dependency from claims 1 and 7.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
John M. Bird  
Registration No. 46,027

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860  
Date: October 15, 2002



APPENDIX

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

**Claims 2 and 10 are canceled.**

**The claims are amended as follows:**

Claim 1 (Twice Amended). A game machine comprising:

a player identifier, which identifies a player who wants to play a game;  
a data storage, which stores personal information of a plurality of players which have played the game; and

a game environment arranger, which reads out the personal information of the player identified by the player identifier from the data storage, and automatically sets up a game environment based on the personal information;

wherein the player identifier identifies the player using image recognition techniques, and

wherein the personal information includes parameters of play of the game.

Claim 7 (Amended). A network system for setting up a game environment, comprising:

a common host apparatus;  
a plurality of game machines communicatively connected to the host apparatus;  
a player identifier, which is provided in at least one of the host apparatus and game machines, and identifies a player who wants to play a game, the player identifier provided;  
a data storage, which is provided in the host apparatus, and stores personal information of a plurality of players which have been played the game;

**RECEIVED**  
OCT 21 2002

TECHNOLOGY CENTER R3700

a data communicator, which is provided in the host apparatus, and transmits the personal information of the player identified by the player identifier, from the data storage to at least one of the game machines; and

a game environment arranger, which is provided in the respective game machines, receives the personal information transmitted from the host apparatus, and automatically sets up a game environment based on the received personal information;

wherein the player identifier identifies the player using image recognition techniques, and  
wherein the personal information includes parameters of play of the game.

9. (Amended) The network system as set forth in claim 7, wherein the host apparatus and the respective game machines are connected via a wide area computer network ~~the Internet~~ to play a network game provided on the wide area computer network ~~Internet~~.